

Notice of Allowability

Application No.

10/772,855

Applicant(s)

SINCLAIR, ALAN WELSH

Examiner

Stephen Elmore

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 4 February 2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment ~~as in the Office action of~~
~~Paper No./Mail Date _____~~.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/18/04, 7/8/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


STEPHEN C. ELMORE
PRIMARY EXAMINER

EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE

Drawings

1. Figures 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

These figures have been described in the disclosure as:

Figure 1A -- "an exemplary general-purpose computer system that CAN utilize the invention" (emphasis added)

and

Figure 1B -- "an abstracted representation ... of Figure 1A";

therefore it is self-evident that these figures do not depict any feature of the instant invention since they have been described as depictions of a computer system that can (sometime in the future) utilize the invention. Consequently, at present these figures do not utilize the invention, so only illustrate that which is old in the art.

2. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be immediately notified and informed of any required corrective action. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. The application has been amended as follows:

IN THE SPECIFICATION

At page 1, in the section "Cross-Reference to Related Applications," line 2, after the language "Mass Storage Accelerator," remove "filed on date herewith" and insert the following --Serial Number

Art Unit: 2185

10/772,789, filed 4 February 2004-- immediately before the language "and having an attorney reference number..." for the purpose of identifying the serial number of the copending application.

IN THE CLAIMS

In claim 8, line 16, replace "first non-volatile storage device" with --first non-volatile mass storage device-- to overcome an obvious typographical error in antecedent basis.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

In independent claims 1, 8 and 14 directed towards a data storage system, the following features taken in combination with the remaining limitations of the independent claims are not found in and or are not obvious in view of the prior art of record,

Claim 1,

"a storage controller that can access data within the second non-volatile mass storage device when the first non-volatile mass storage device is in the unavailable state and operable to access data within both the first and second non-volatile mass storage devices when the first non-volatile mass storage device is in the available state" and "wherein the first range of logical addresses and the second range of logical addresses are overlapping with each other";

Claim 8,

"the first range of logical addresses and the second range of logical addresses overlapping with each other" and "wherein the storage controller's choice...is at least partially dependent upon the amount of data...that has not been copied into the first non-volatile storage device";

Claim 14,

"the first range of logical addresses and the second range of logical addresses are overlapping with each other" and "a storage controller that satisfies data requests...if the requested data is not present...with data that is stored in the first non-volatile mass storage device."

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

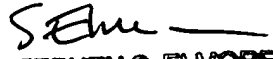
Art Unit: 2185

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Elmore whose telephone number is (571) 272-4436. The examiner can normally be reached on Mon-Fri from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15 February 2004


STEPHEN C. ELMORE
PRIMARY EXAMINER